

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES PIAZZA and  
EVELYN PIAZZA,

Plaintiffs.

v.

BRENDAN YOUNG, *et al.*,

Defendants.

v.

THE PENNSYLVANIA STATE  
UNIVERSITY, *et al.*,

Third-Party Defendants.

No. 4:19-CV-00180

(Judge Brann)

**ORDER**

**AND NOW**, this 1<sup>st</sup> day of May 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Third-Party Defendant Roy Baker's Motion to Dismiss, Doc. 445, is **GRANTED**.
2. Defendant Craig Heimer's negligence claim against Third-Party Defendant Roy Baker – that is, Count III of Heimer's Third-Party Complaint, Doc. 305 – is **DISMISSED WITHOUT PREJUDICE**.

3. All other negligence and contribution claims against Roy Baker in this action – *e.g.*, those found in Docs. 310, 317, 319, 332, 374, 381, 383, 412, and 417 – are also **DISMISSED WITHOUT PREJUDICE**.
4. Defendant Craig Heimer may file an Amended Third-Party Complaint with respect to Count III by May 15, 2020. If no amended complaint is filed by that date, Defendant Heimer’s Count III will be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).
5. May 15, 2020 is also the deadline for re-submission of joinder notices or of other negligence and contribution claims against Baker.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

United States District Judge